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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,246	02/06/2004	Per Sjoberg	20459-00346-US1	6881

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CONNOLLY BOVE LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON, DC 20036-3425

EXAMINER	
FELTON, AILEEN BAKER	

ART UNIT	PAPER NUMBER
3641	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/772,246	SJOBERG, PER	
	Examiner	Art Unit	
	Aileen B. Felton	3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 8-22 are rejected under 35 U.S.C. 103(a) as obvious over Blomquist, 6,004,410, in view of Langlet, WO 98/55428.

Blomquist '410 teaches airbag devices containing (provided with) GDN (guanidine dinitramide), for example, at col. 2, line 52. In the instant claims, a suitable amount of guanidine dinitramide may be 100%, over 50% from claim 10, to obtain the examiner's desired burning rate. Likewise, "possible" amounts of binder include 0%, especially in claims 15-17, and more than 50% of GDN includes 100%. Thus, possibly no claims but claims 15-17 and 20-22 require any additional ingredient beyond GDN. This is problematic due to the indefinite nature of the claims. To the extent appropriate, Blomquist '410 may be the epitome of obviousness, anticipation, as broadly construed. In re Pearson, 181 USPQ 641 (CCPA 1974). The claim 12 "tablet" form is taught at col. 4, lines 63-67. In any event, it would have been clearly obvious to combine a plurality of ingredients to prepare a gas generating composition, where the properties of use in such are well known and the combination produces the expected result, a safety device of some utility. Thus, the device produced is an unspecified safety device having a propellant or pas generating material. There is nothing unobvious about preparing such

devices, including by providing the propellant therefore. Langlet, WO 98/55428, teaches the similar use of guanylurea dinitramide for the same purpose as the GDN of Bloomquist '410. Thus, combining the ingredients or the compositions to obtain the desired average of properties would have been obvious. Where the ingredients are well known and combined for their known properties, the combination is obvious, absent unexpected results, In re Crocket, 126 USPQ 186, In re Pinten, 173 USPQ 801, and In re Sussman, 43 CD 518. Further, it is prima facie obvious to combine two compositions, each taught for the same purpose, to yield a third composition for that very purpose. In re Kerkhoven, 205 USPQ 1069, In re Pinten, 173 USPQ 801, and In re Susi, 169 USPQ 423. To the extent appropriate, variation of specific amounts and well-known ingredients would have been obvious to one of ordinary skill in the art. It is well settled that optimizing a result effective variable is well within the expected ability of a person or ordinary skill in the subject art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980), In re Aller 220 F.2d 454, 105 USPQ 233 (CCPA 1955).

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive. Applicant has argued that In re Kerkhoven is not applicable in this case. This is unpersuasive since In Re Kerkhoven clearly indicates that it is prima facie obvious to combine two compositions, each taught for the same purpose to yield a third composition for that very purpose. In addition, the rejection asserts that where the ingredients are well known and combined for their known properties, the combination is obvious. Applicant has not addressed this portion of the rejection and Applicant's

acquiescence is thus noted. As stated previously, it would be obvious to vary the amounts of known ingredients.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aileen B. Felton whose telephone number is 703.306.5751. The examiner can normally be reached on Monday-Friday 6:30-4:00, except alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703.306.4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aileen Felton

AILEEN FELTON
PRIMARY EXAMINER